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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,320	09/25/2001	Travis J. Parry	10012123-1	1323

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

AMSBURY, WAYNE P

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 01/23/2004

29

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/963,320

Applicant(s)

PARRY, TRAVIS J.

Examiner

Wayne Amsbury

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

CLAIMS 1-11 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Applicant's arguments filed 12/22/03 have been fully considered but they are not persuasive.

Applicant has changed the scope of claims 1-6, requiring new grounds of rejection for at least those claims. [In particular, *ascertaining an attribute* is amended to *determining the source*, and *price* becomes *data set*.]

With respect to the claims as a whole, Applicant fails to appreciate the breadth of the claims. The Response centers around three paragraphs on page 7 that appear to be directed to the independent claims; P1 at line 13 and after, P2 at line 19 and after, and P3 at line 22 and after.

As to P1, it may apply to claim 1 but not to claims 7 or 8; P2 may apply to claim 7 but not to claims 1 and 8. It is stated in P3 that: "the Examiner has not identified an attribute of Herz that is independent of the search request that is used to route the request to an appropriate database as presently claimed" The Examiner respectfully points out that the detailed rejection of this claim occupies most of page 4 of the action. It is not clear whether *attribute*, *independent*, *search request*, *route*, or *database* is unaddressed.

In the interest of compact prosecution, the rejections below address these changes and concerns with respect to Herz (and Lefkowitz) in detail.

**3. Claims 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Herz, US 6,029,195, 22 February 2000.**

**This maintains the rejection of the previous action.**

Herz is directed to identification of desirable objects via either the Internet or an intranet [ABSTRACT; FIG 1; COL 31 lines 13-21 and elsewhere].

As to **claim 7**, to the extent that claim 7 is not clearly anticipated by Herz, Herz repeatedly refers to multiple users of the system who search for target information from multiple sources [FIG 1; COL 5 lines 6-20 and elsewhere].

In more detail: The multiple users of Herz correspond to multiple sources (each user in FIG 1 inherently represents a search engine such as a browser at terminal Ti), the multiple targets correspond to multiple databases, and the targets are selected in relation to the user [COL 17 Matching Buyers and Sellers is exemplary]. In more particular, see the variety of target sources used as examples at COL 10 line 29 and after.

As to **claim 8**, box **1604** of FIG 16 depicts matching a query (a request; a source; a search engine) with an information source. The resulting retrieval is noted in box **1608**.

The target objects are generally characterized by attributes determined by a query, but the sources of desirable objects are varied on dimensions that are not determined by user profiles. See COL 6 line 59 and after, where the sources may include news, electronic mail, published documents, and product descriptions. In particular note COL 7 lines 24-29, where either a movie or a novel might match a user interest. These generally have distinct sources, and this aspect of the system is further discussed at COL 7 line 58 and after. Another aspect of this limitation is discussed with respect to a user query that can generate a response from multiple experts [COL 83 line 29 and after]. Another aspect is related to properties such as availability of servers [COL 78 line 38 and after]. Multiple source domains are also addressed at COL 74 line 7 and after. Herz also addresses the use of attributes such as the number of target objects available at a source [COL 71, line 24 and after]. Another aspect of the source that is addressed is bandwidth [COL 37 line 32 and after. Herz discusses attributes of virtual channels that are not tied to specific attributes of requests at COL 35 line 56 and after.

As to **claim 9**, see COL 31 lines 13-14; COL 37 lines 29-31 and 50-57.

As to **claim 10**, Internet service providers are frequently accessed with local phone numbers, and access on an intranet clearly is related to the location of a user. As noted in FIG 16, location of a server is a component of the process of determining a network vendor, and clearly location in such a case is related to the location of a user with respect to a vendor.

A specific example in Herz at COL 10 lines 4-20, directs requests to experts on the basis of qualification, but the attribute that they are employees is independent of the request and related to the location of a user, as is "the user is an employee (employer)".

**4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Herz, US 6,029,195, 22 February 2000.**

As to **claim 1**, Herz repeatedly provides the choice of Internet and intranet. The former generally requires a Web browser; the latter may not. Virtually any database is managed by a DBMS, is indexed, and is searched with an appropriate search engine. In the case of a local database, a browser is not required.

The other elements of **claims 1-6** are rejected in the analysis above with respect to claims 1 and 7-10 and these claims are rejected on that basis.

**5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herz, US 6,029,195, 22 February 2000 in light of Lefkowitz, US 2001/0037250, 1 November 2001.**

As to **claim 11**, the name of data is nonfunctional descriptive material and cannot render nonobvious an invention that would have otherwise been obvious.

For the sake of completeness:

Herz does not explicitly address a tax rate as a retrieval target, but does teach the retrieval of information from vendors. Lefkowitz is directed to retrieval of information about duty free goods [ABSTRACT; 0004-0005], which inherently is determined by a tax rate applied or not applied at a source.

The use of the Internet in Herz is multi-state and global, and **it would have been obvious** to one of ordinary skill in the art at the time of the invention to retrieve a tax rate from a vendor because it determines the effective total cost of goods.

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 703-305-3828. The examiner can normally be reached on M-TH 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.

WPA

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER